

# DAN L. HARDWAY

## ATTORNEY AT LAW

ADMITTED IN WV, FL, NC & IN

February 6, 2006

### VIA E-MAIL & MAIL & FAX

800 MHz Transition Administrator, LLC  
c/o Steven Lederman  
Squire, Sanders & Dempsey, L.L.P.  
1201 Pennsylvania Ave. NW  
P.O. Box 407  
Washington, DC 20044-0407  
[elections@800TA.org](mailto:elections@800TA.org)  
(866) 432-8317

Re: EA Licensee Election of RCS Communications Group

Dear Mr. Lederman:

Pursuant to the January 11, 2006 Press Release from the 800 MHz Transition Administrator entitled "800 MHz Transition Administrator to Open Filing Window for EA Elections," RCS Communications Group, ("RCS") hereby makes its EA Licensee Relocation Election. In response to the bulleted items set forth under the Supporting Information, 1. New Elections, section of the Press Release, RCS responds as follows:

- Please direct all questions or correspondence to the undersigned counsel at the following address:

Dan L. Hardway, Esq.  
PO Box 1898  
86 E. Depot Street  
Angier, NC 27501  
(919) 639-7145  
fax: (919) 639-3222  
[dan@hardwaylaw.com](mailto:dan@hardwaylaw.com)

- The call signs of all relevant licenses are contained in the attached Exhibit 1.
- RCS elects to relocate all of the licenses set forth in the attached Exhibit 1 (both site-based and EA) into the ESMR portion of the 800 MHz band.
- RCS was not operating an 800 MHz Cellular System as of November 22, 2004.

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86 E. Depot Street  
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- RCS has the spectrum capacity to construct and operate an 800 MHz Cellular System as defined in FCC Order, Improving Public Safety in the 800 MHz Band, WT Docket 02-55, Memorandum Opinion and Order, released October 5, 2005 (the *Memorandum Opinion and Order*) and the Commission's Rules, and intends ultimately to operate an ESMR system within the ESMR portion of the 800 MHz band. Specifically, RCS is eligible to elect to move all of the licenses set forth in the attached Exhibit 1 (both site-based and EA) into the ESMR portion of the 800 MHz band pursuant to paragraphs 23 to 28 of the *Memorandum Opinion and Order* and hereby elects to do so.
- RCS, as an EA licensee electing to relocate site-based licenses has attached, as Exhibit 2, documentary evidence that each site-based license was an integral part of its EA-based system as of November 22, 2004, as the site based licenses were all located within the geographical boundaries of the relevant EA.

All facts set forth in the preceding bulleted paragraphs are supported by the attached declaration under penalty of perjury of Donald Lee Shipton, made in accordance with the requirements of Section 1.16 of the Commission's rules. (As Section 1.16 is explicitly intended to do away with the requirement of notarization, the Shipton declaration is not notarized. However, it is authentic.)

Very truly yours

/s/Dan L. Hardway

Dan L. Hardway

Attachments – Ex. 1- channel list  
Ex. 2- documentary integration evidence  
Section 1.16 declaration

cc: Federal Communications Commission (via ECFS)  
RCS Communications Group

## Exhibit 1

### 800 MHz Frequencies RCS Communications

Call Sign	Frequency	Service	Format	Location	# of Locations	EAs Covered
WPSA477	811.000	YC-SMR	EDACS	BEA018	1	BEA018
	812.000				1	BEA018
	813.000				1	BEA018
	814.000				1	BEA018
	815.000				1	BEA018
	856.000				1	BEA018
	857.000				1	BEA018
	858.000				1	BEA018
	859.000				1	BEA018
	860.000				1	BEA018
WPSA478	811.575	YC-SMR	EDACS	BEA018	1	BEA018
	812.575				1	BEA018
	813.575				1	BEA018
	814.575				1	BEA018
	815.575				1	BEA018
	856.575				1	BEA018
	857.575				1	BEA018
	858.575				1	BEA018
	859.575				1	BEA018
	860.575				2	BEA018
WNPD948	856.1875	YX-SMR Trunked	EDACS	Greensboro, NC	1	BEA018
	857.1875				1	BEA018
	858.1875				1	BEA018
	859.1875				1	BEA018
	860.1875				1	BEA018
	806.0000					821.0000 MO
WNYW967	856.5375	YX-SMR Trunked	EDACS	Greensboro, NC	1	BEA018

## Exhibit 1

	857.5375				1 BEA018
	858.5375				1 BEA018
	859.5375				1 BEA018
	860.5375				1 BEA018
	806.0000 821.0000 MO				
WPLS503	856.6875	YX-SMR Trunked	EDACS	Lexington, NC	1 BEA018
	857.6875				1 BEA018
	858.6875				1 BEA018
	859.6875				1 BEA018
	806.0000 821.0000 MO				
WPPV643	856.0625	YX-SMR Trunked	EDACS	King, NC	1 BEA018
	857.0625				1 BEA018
	858.0625				1 BEA018
	859.0625				1 BEA018
	860.0625				1 BEA018
	806.0000 821.0000 MO				
<b>Call Sign</b>	<b>Frequency</b>	<b>Service</b>	<b>Format</b>	<b>Location</b>	
WPLS368	856.6375	YX-SMR Trunked	LTR	Greensboro, NC	1 BEA018
	860.1625				1 BEA018
	860.6375				1 BEA018
	806.0000 821.0000 MO				
WPEX891	857.1375	YX-SMR Trunked	LTR	Laurel Springs, NC	1 BEA018
	858.1375				1 BEA018
	859.1375				1 BEA018
	860.1375				1 BEA018
	806.0000 821.0000 MO				
WPKI495	857.8125	GB Business	LTR	Lexington, NC	1 BEA018
	858.8625			Browns Summit, NC	1 BEA018
	857.8375			Eden, NC	1 BEA018
	812.8125 MO				

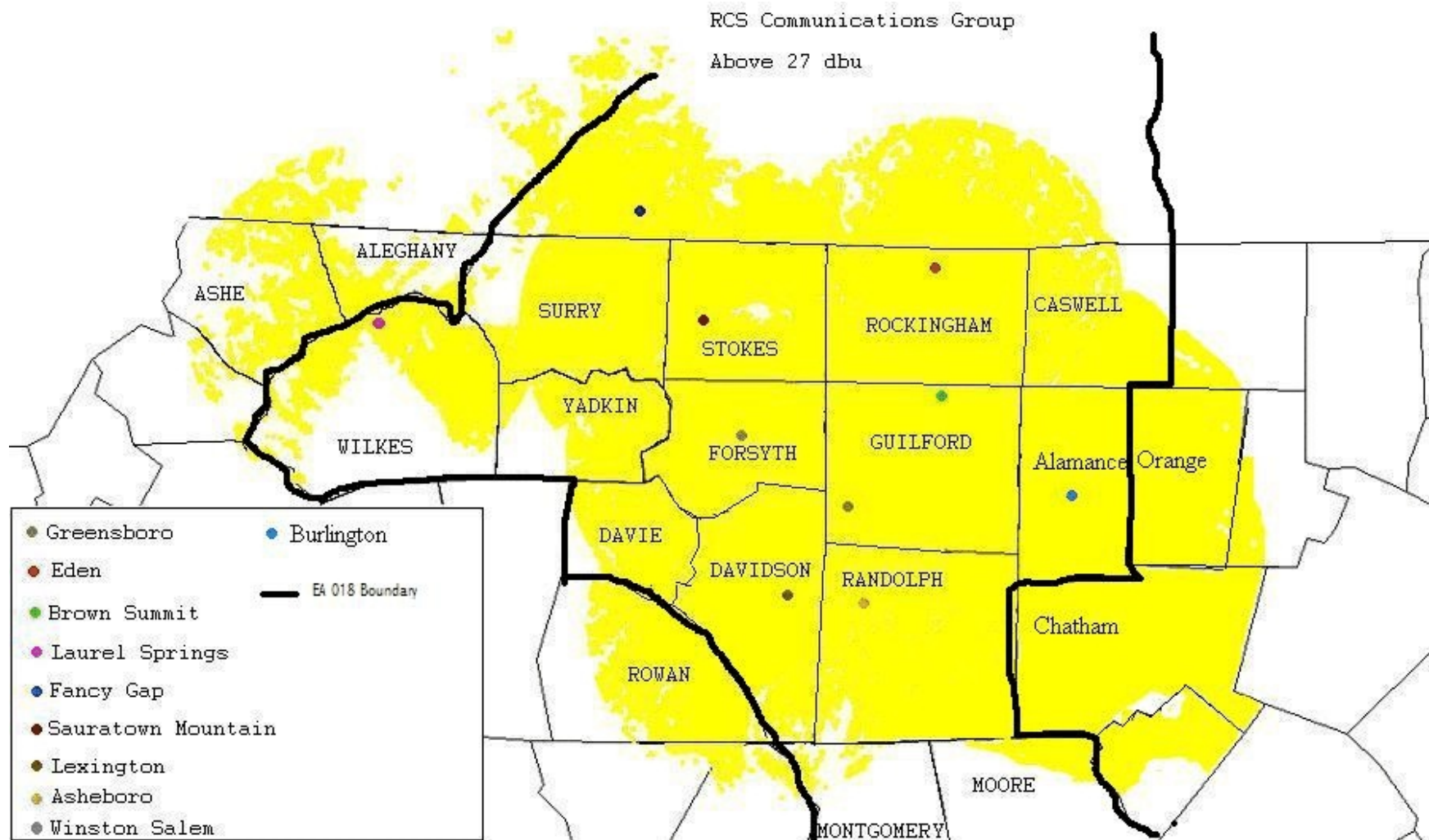
## Exhibit 1

	812.8375 MO 813.8625 MO				
WPEH656	858.8375 813.8375 MO	GB	LTR	Winston Salem, NC	1 BEA018
WPHM223	854.7875 809.7875 MO	GB	LTR	Fancy Gap, VA	1 BEA018
WPHX481	858.8375 813.8375 MO	GB	LTR	Winston Salem, NC	1 BEA018
WPNU408	855.5625 810.5625 MO	GB	LTR	Lexington, NC	1 BEA018
WPGX741	854.8125 809.8125 MO	GB	LTR	King, NC	1 BEA018
WPMA687	856.8375 857.7875 857.8375 858.7875 859.7875 860.7875 811.8375 MO 812.7875 MO 812.8375 MO 813.7875 MO 814.7875 MO 815.7875 MO	GB	LTR	King, NC King, NC Greensboro, NC Greensboro, NC King, NC Greensboro, NC	1 BEA018 1 BEA018 1 BEA018 1 BEA018 1 BEA018 1 BEA018
WPMA753	857.9125 860.9125 812.9125 MO 815.9125 MO	GB Management agreement with Piedmont Dixie Concrete licensee.	LTR	Winston Salem, NC Asheboro, NC	1 BEA018 1 BEA018

## Exhibit 1

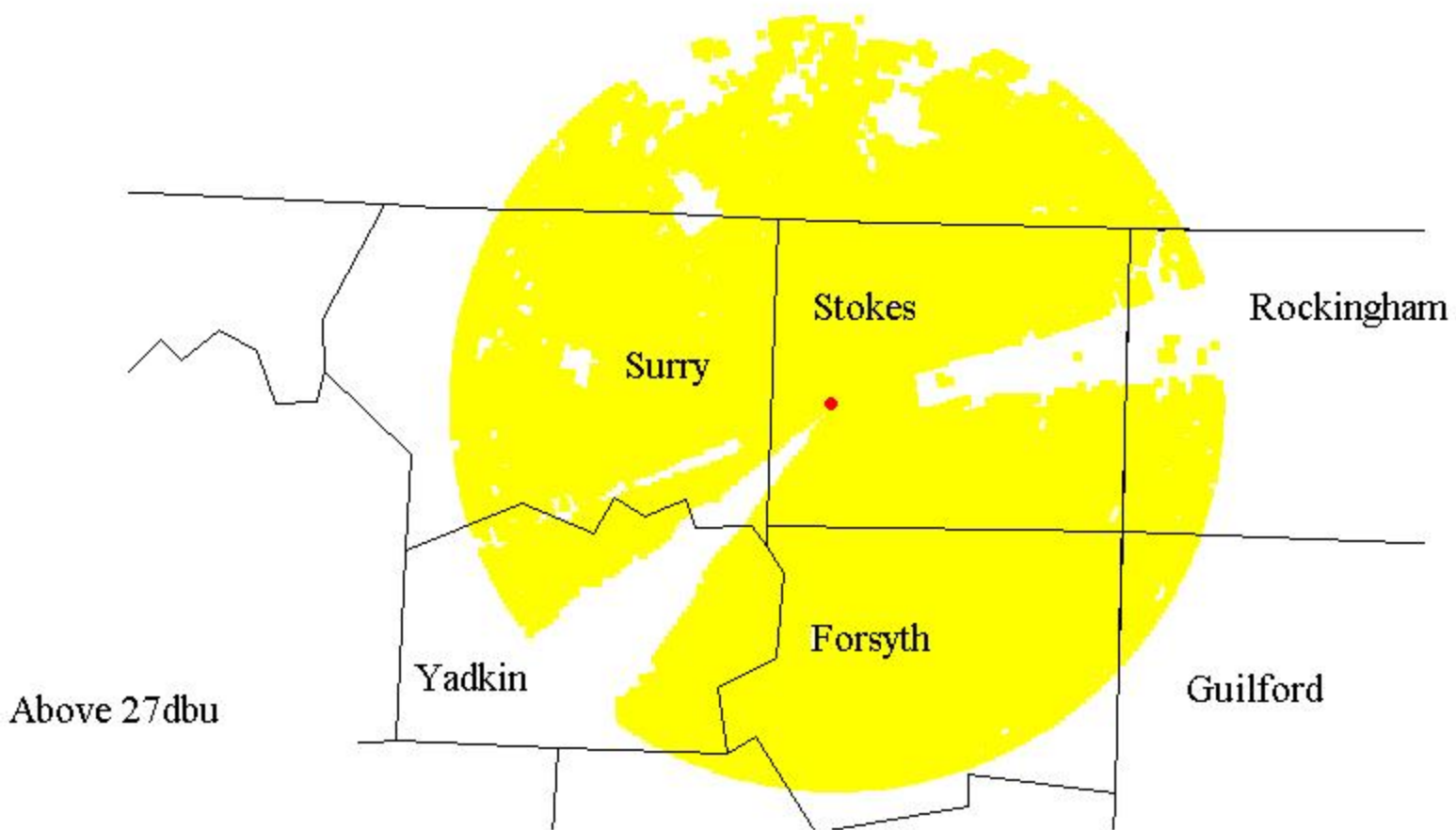
WPPV642	856.0125	YX-SMR Trunked	EDACS	Winston Salem, NC	1 BEA018
	856.5875				1 BEA018
	857.0125				1 BEA018
	857.5875				1 BEA018
	858.0125				1 BEA018
	858.5875				1 BEA018
	850.0125				1 BEA018
	859.5875				1 BEA018
	860.0125				1 BEA018
	860.5875				1 BEA018
	806.0000	821.0000 MO			

## Exhibit 2N



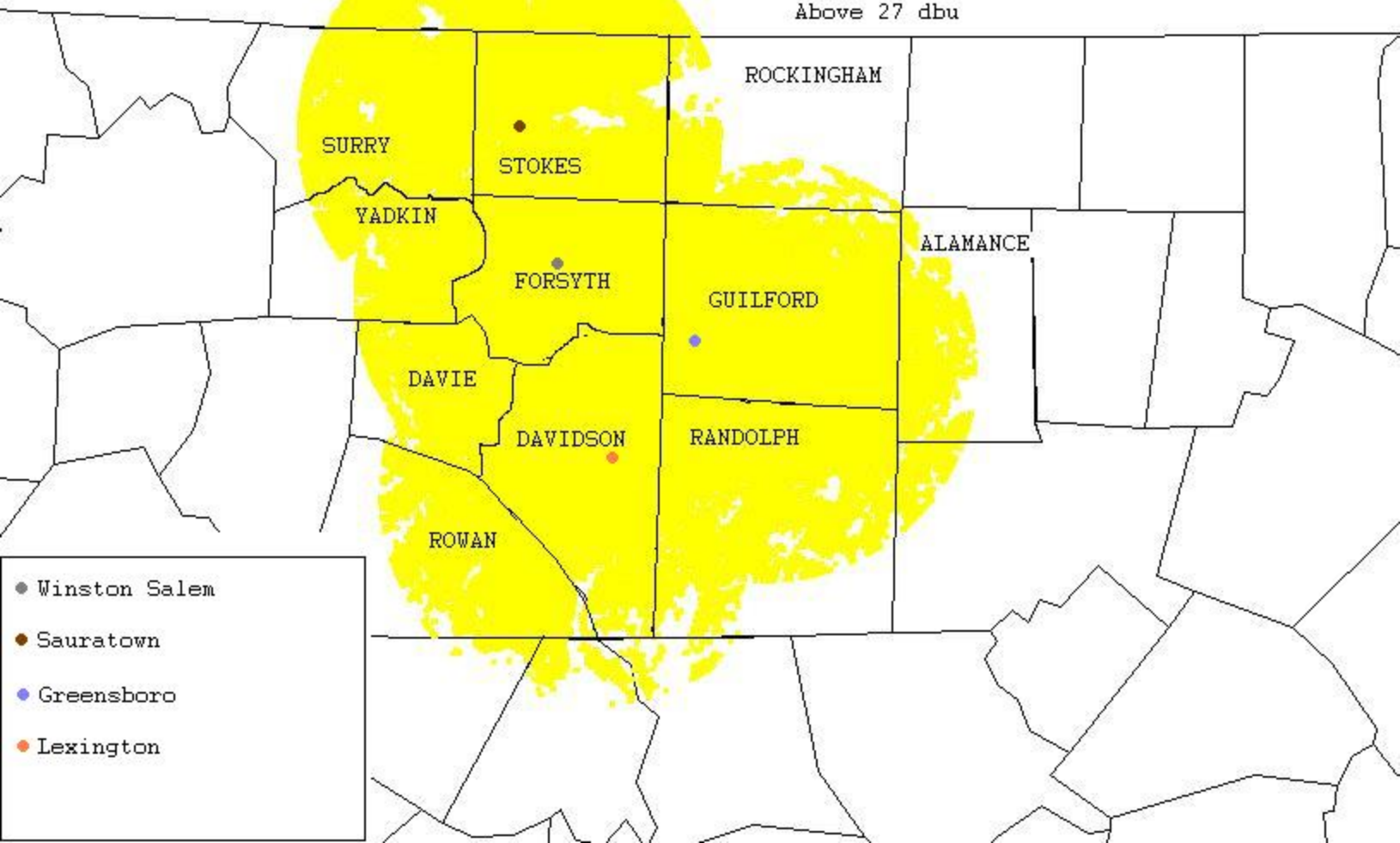
RCS Communications Group

Sauratown Mtn SMR



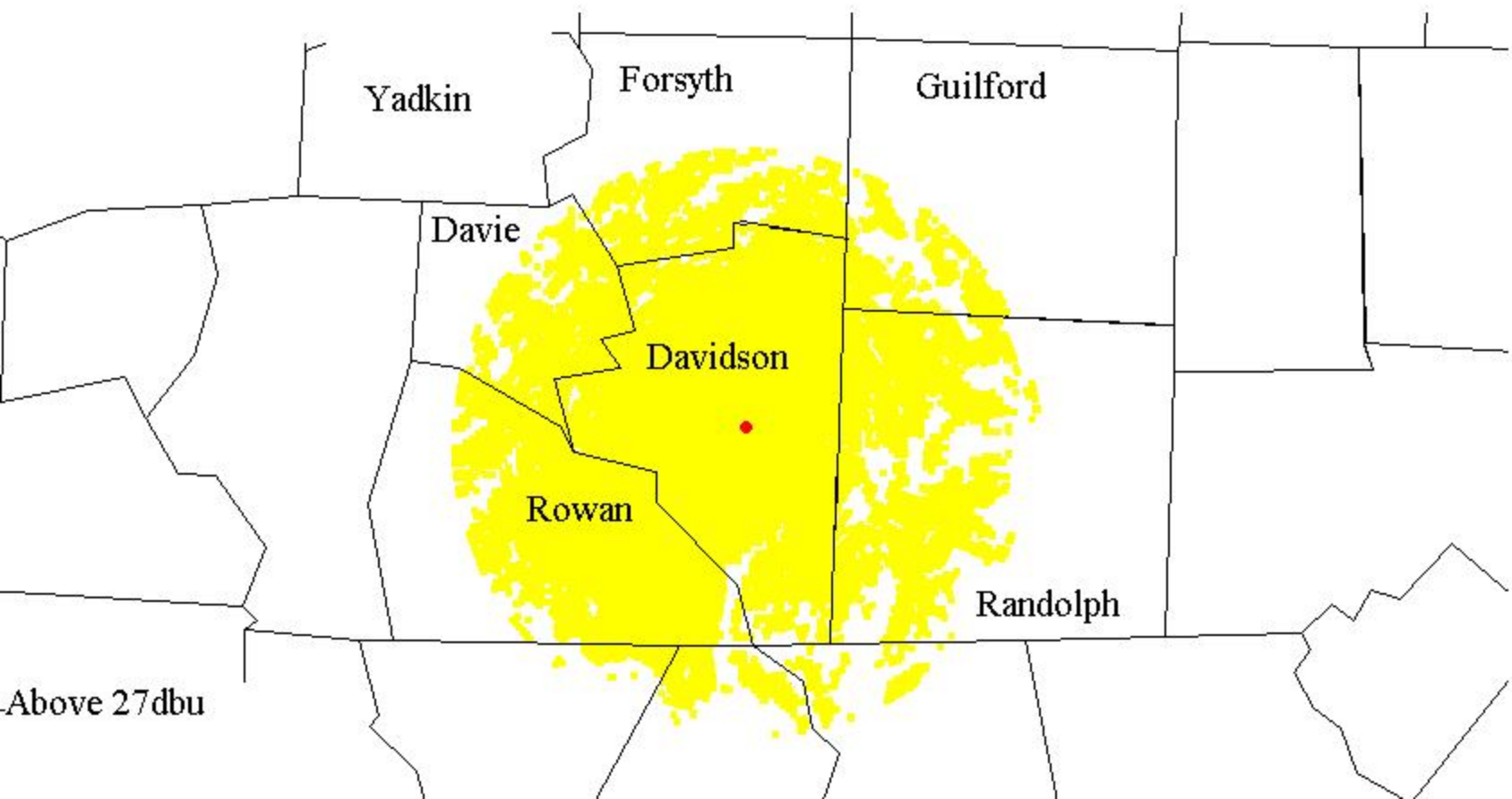


Above 27 dbu



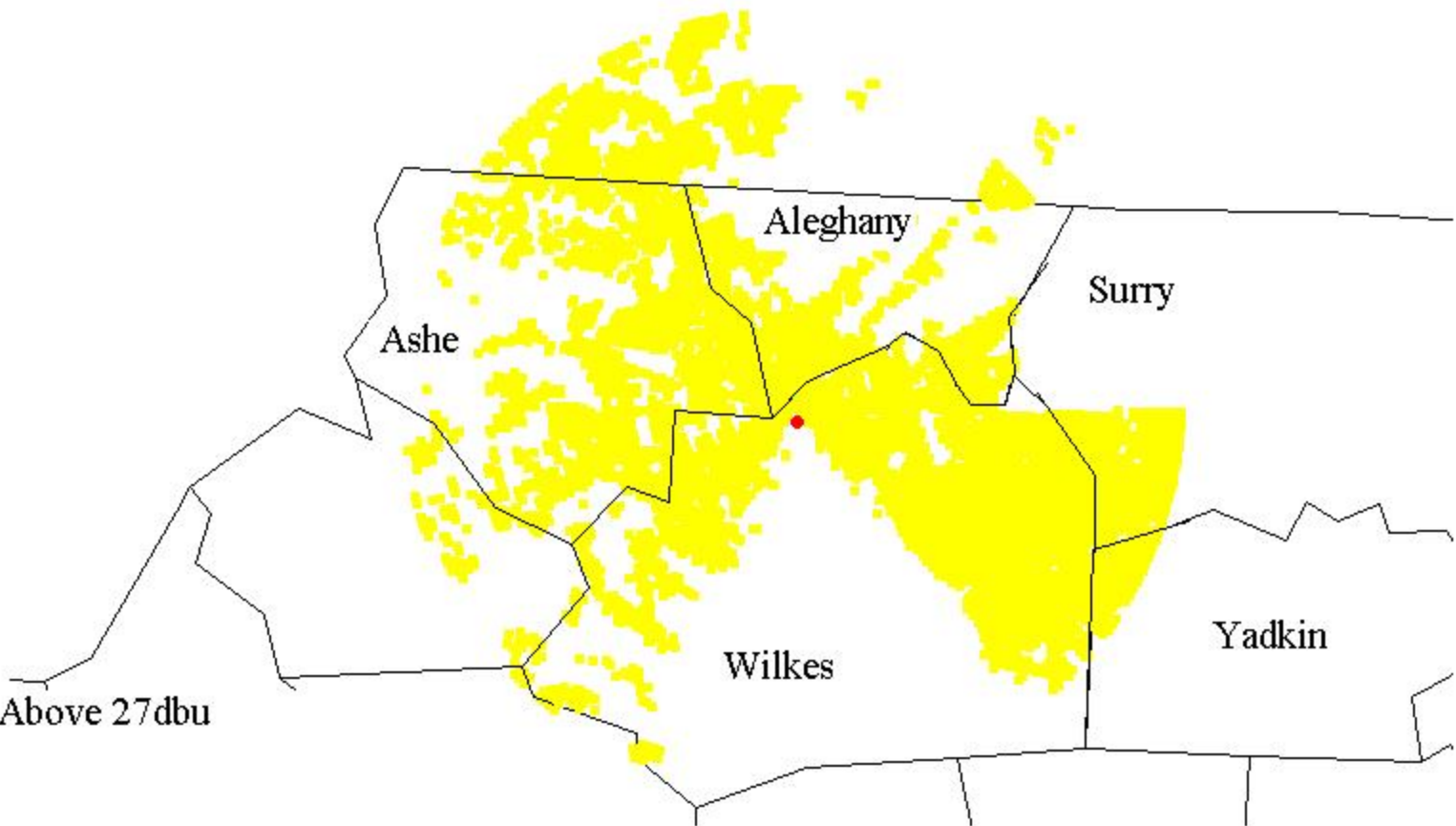
RCS Communications Group

Lexington SMR



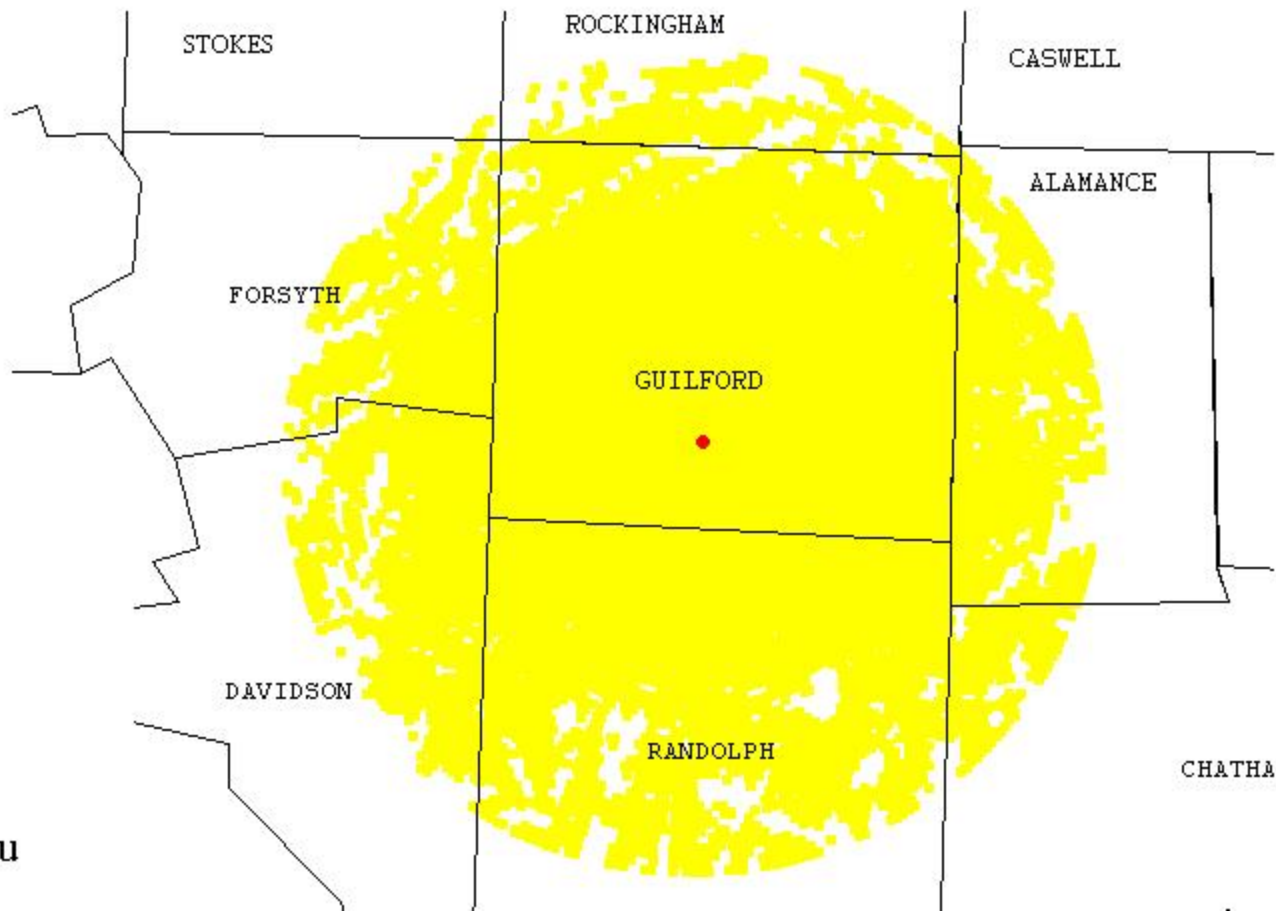
RCS Communications Group

Laurel Springs SMR



# RCS Communications Group

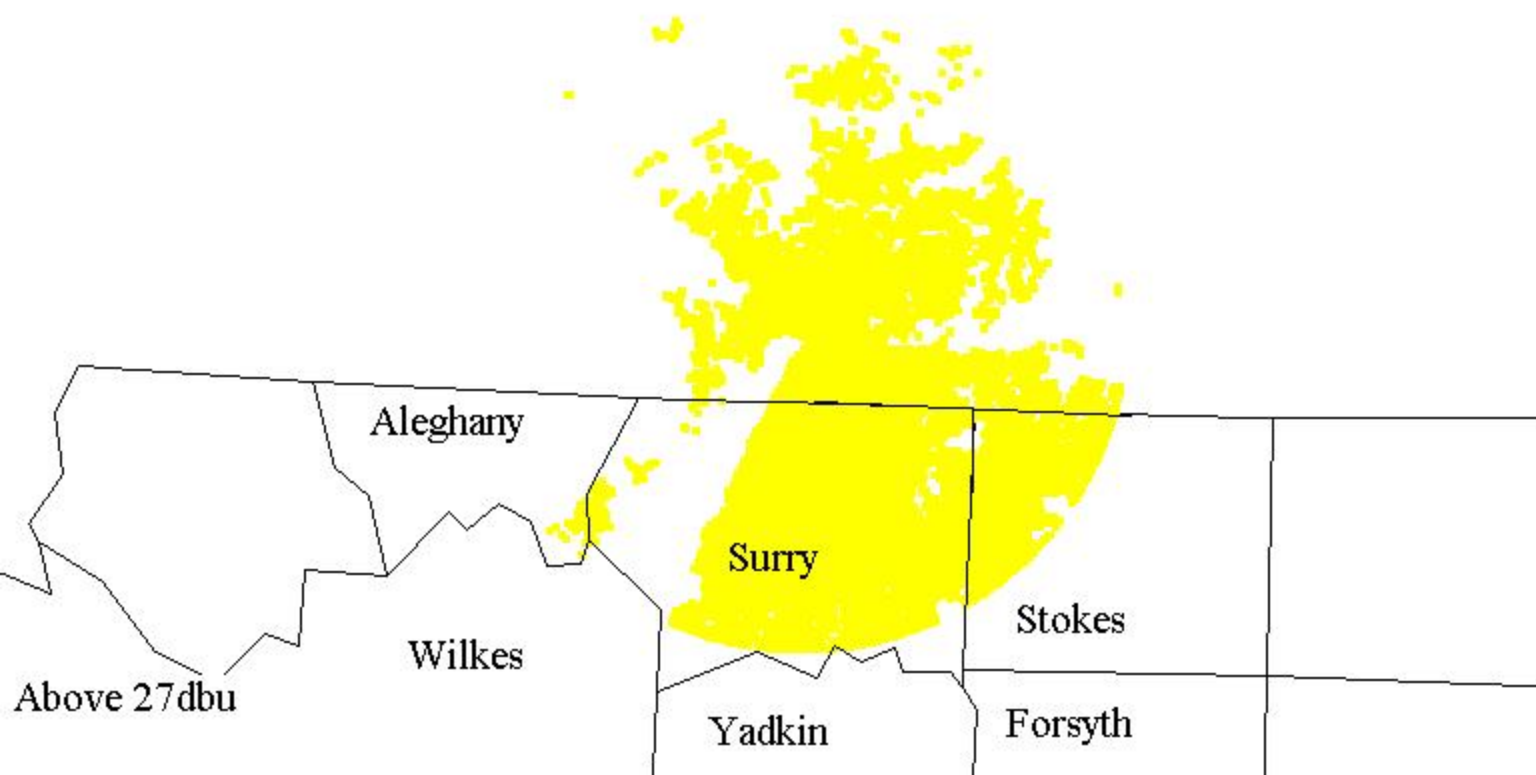
## Greensboro SMR



Above 27dbu

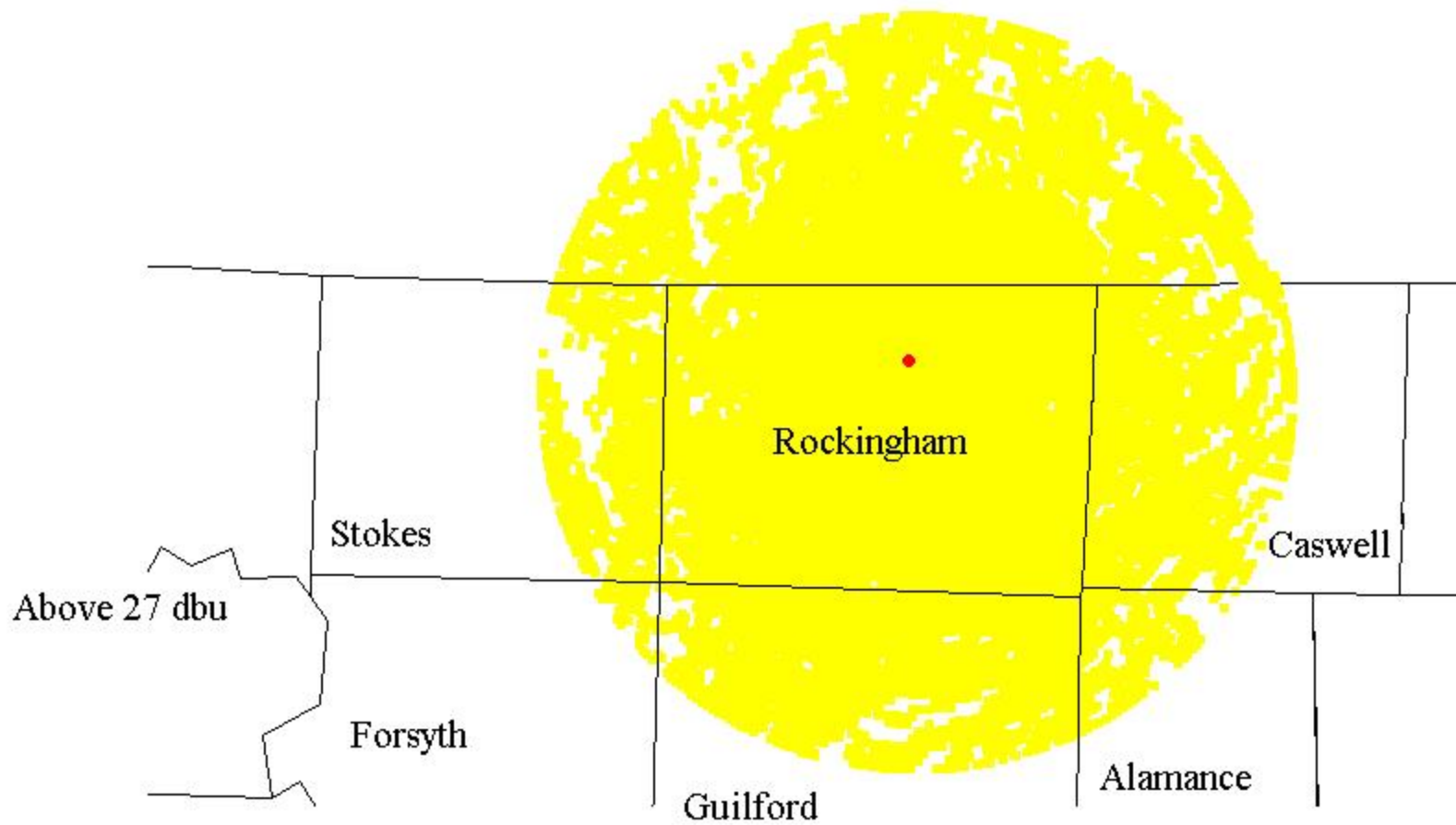
RCS Communications Group

Fancy Gap SMR



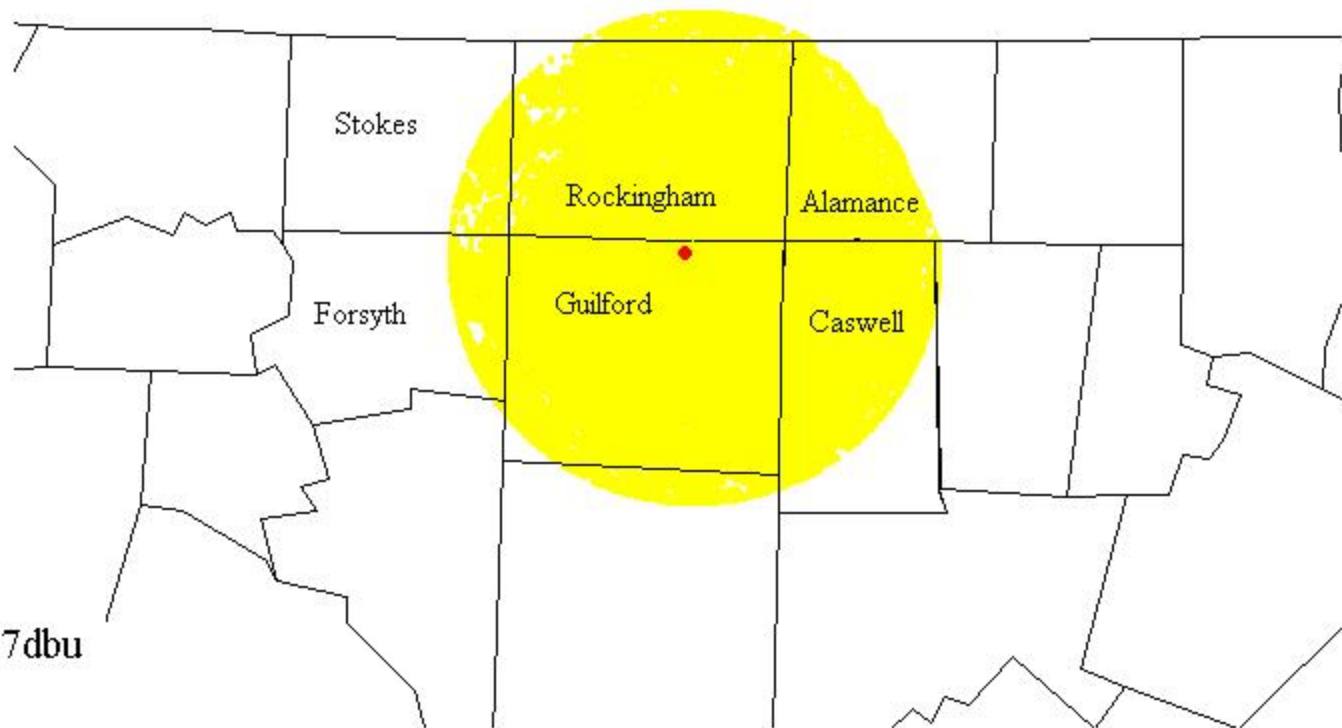
RCS Communications Group

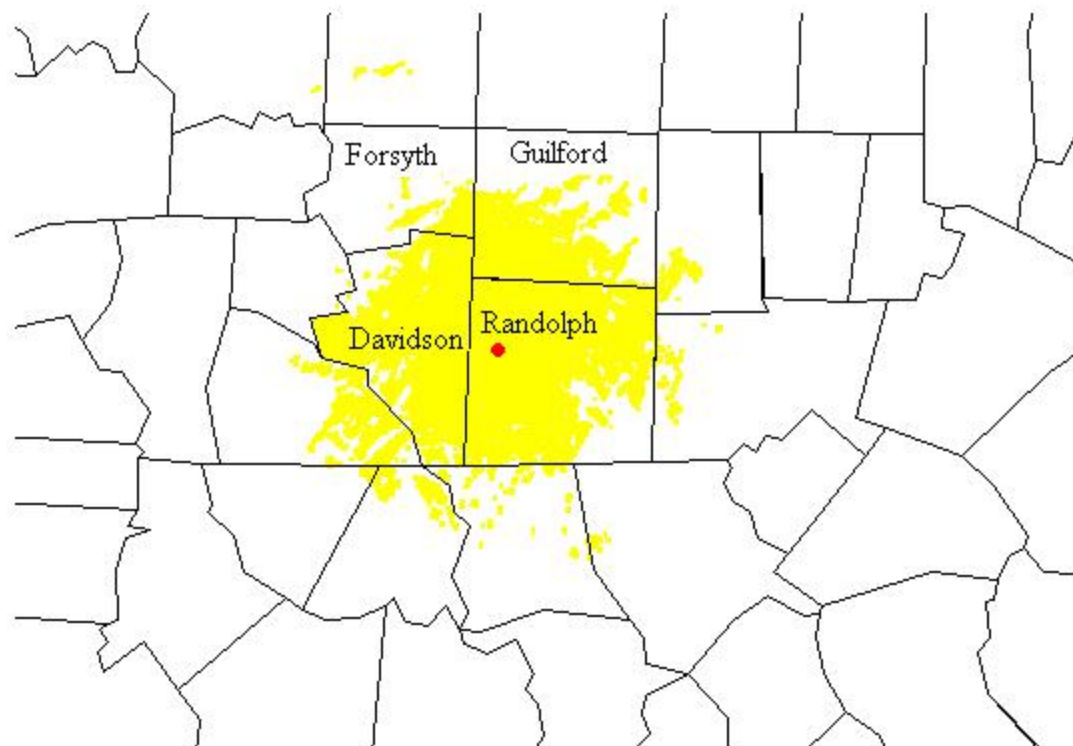
Eden SMR



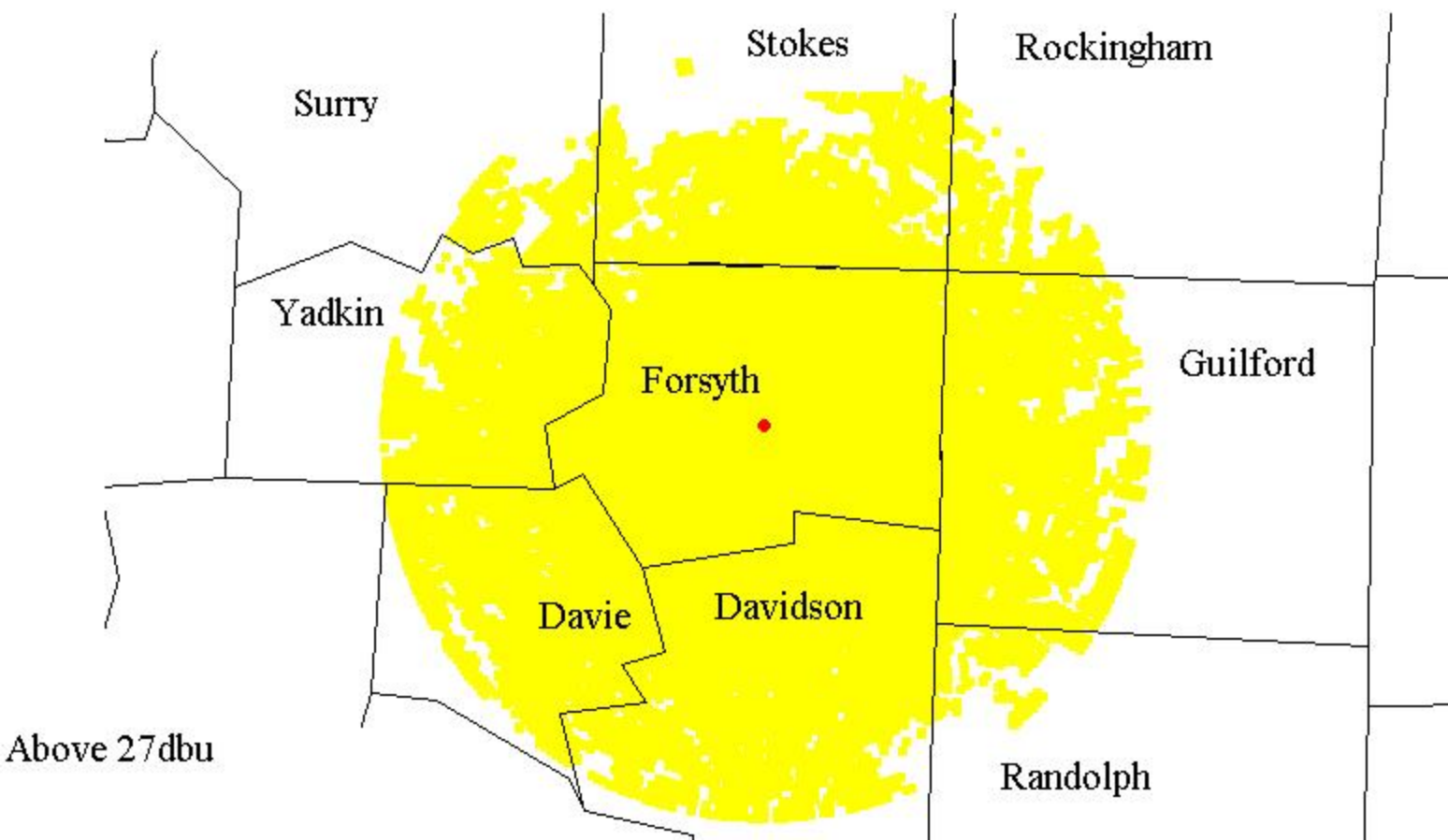
# RCS Communications Group

## Brown Summit SMR









## Exhibit 2C

### RCS Communications Group System Description

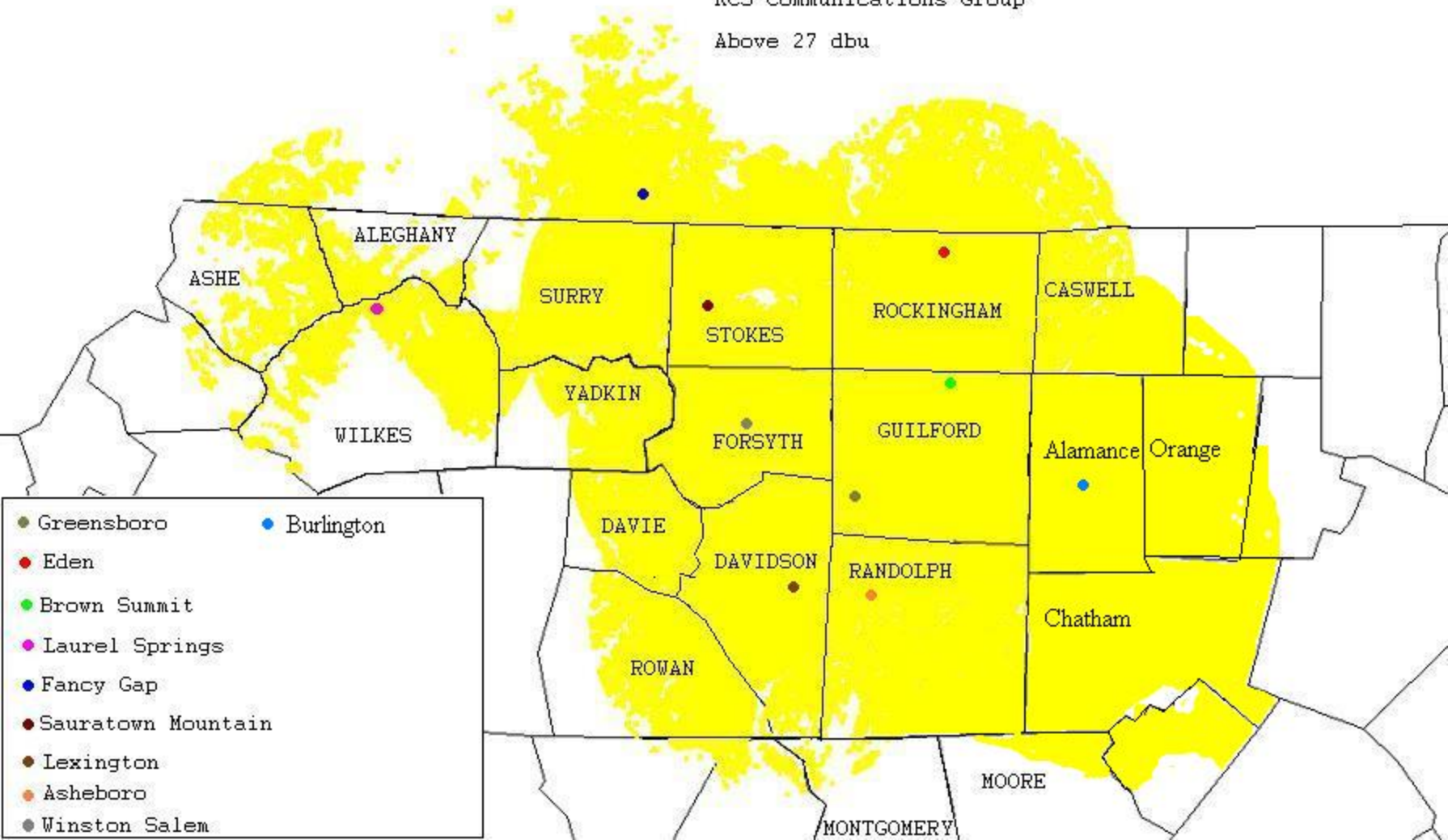
RCS Communications Group has built a wide area EDACS system for the BEA018 area of coverage. There are four sites that cover 80% of the population for the coverage area.

1. Integon Building Winston Salem
2. WGLD Tower Greensboro
3. Sauratown Mountain North, King
4. Hedrick Mountain South, Lexington

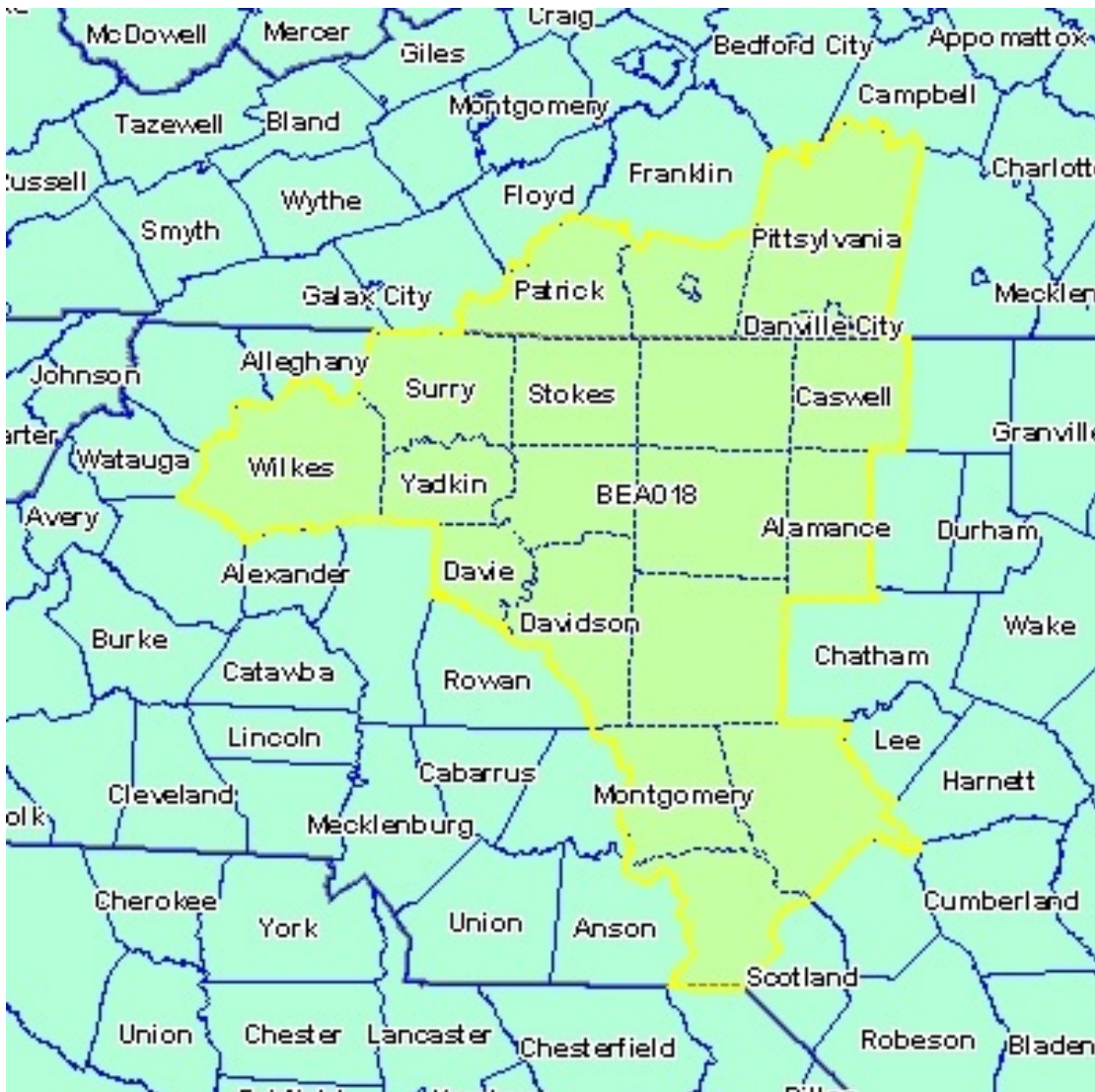
The Winston Salem Frequencies were won at auction and are listed under licenses WPSA477 and WPSA478. The ten channels are currently connected by microwave to the other locations where site based licences are located and the EA channels and the site based channels are all centrally controlled by a system manager (switch) located at our corporate offices in Winston Salem, NC, using an EDACS protocol. Mobiles and portables are automatically handed off as unit move through the different coverage areas. All site based licenses 40 dbu contours overlap with EA 18.

In order to better serve the area, we are electing to move our existing channels to the ESMR cellular band. All of the channels are within the EA and are needed to provide cellular type service to the area. The engineering is attached which shows the EA and the existing channel coverage of the geographic channels. Please allow RCS to move to the ESMR (cellular) channels.

We plan on converting all channels to the Motorola IDEN technology. This will allow the maximum coverage for our customers who depend on dispatch. We can also network to other independent IDEN systems to expand the coverage to other areas.



**RCS Communications Group**  
**WPSA477 & WPSA478**  
**BEA018**



## DECLARATION OF DONALD LEE SHIPTON

Donald Lee Shipton, under penalty of perjury, hereby states as follows:

I am the founder and chief executive officer of RCS Communications Group ("RCS"). I have read the foregoing letter from Dan L. Hardway to the 800 MHz Transition Administrator on behalf of RCS ("Election Letter"), and the exhibits attached thereto, which exhibits were prepared under my supervision. All facts set forth in the Election Letter and the exhibits thereon are true and correct.

Executed February 3, 2005.

  
Donald Lee Shipton